

REMARKS

Claims 2, 4-17, 19, 20, 22-30, 32, 42, 44, 46-54, 56, 57, 59, 61, and 63-74 are currently pending. By this amendment claims 5, 15, 29, 32, and 53 are amended, and claims 6, 7, 11, 12, 18, 22-23, 46-47, 51-52, 55, 63-74 are cancelled.

Support for the amendments is found in the original claims and throughout the specification.

Claim Objections

Claims 5, 15, 29, 32, and 70 are objected to due to certain informalities. In response, said claims are amended to recite "a non-resealable third seam distal to the first handle" to more clearly indicate that the third seam is distal to the handle. Claim 70 is cancelled as indicated above. Accordingly, Applicants request that the objections be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claims 66-69 and 74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. While Applicants disagree with the rejections, claims 66-69, and 74 are cancelled. Accordingly, Applicants request that the rejections be withdrawn.

Claim Rejections under 35 U.S.C. § 103

1. In the Office action, claims 2, 4, 5, 8-17, 19, 20, 24-30, 32, 42, 44, 48,-54, 56, 57, 59, 61, and 63-74 are rejected as being unpatentable over U.S. Patent No.

5,593,229 to Warr, Patent Application Publication No. 20030235348 to Pape, and U.S. Patent No. Des. 327,217.

The Office action asserts that “Wallace teaches that it is known in the art of bags to provide a mirror image of one end of a bag at the bags opposite end (Fig. 7). It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to provide the opposing ends of the modified Warr bag with identical end structures ... as taught by Wallace, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.” OA at 5. Applicants respectfully disagree.

One skilled in the art would not duplicate the handles of Warr and/or Pape on the opposite end of a bag. As set forth in Warr “the top edge 15 of the bag 10 [the handle side of the bag] is closed by a heat seal 16.... The bottom edge 17 of the bag 10 remains open so that the bag is filled from the bottom before being sealed shut. By convention, the edge 15 is considered the top of the bag and edge 17 the bottom with filling taking place through the bottom.” Warr at 3:33-41. One skilled in the art would understand that the top edge bag of Warr (the edge with the handle) is formed prior to filling because of the difficulty in forming the handle in a filled bag as set forth in the cited passage. As such, Warr expressly teaches away from duplication of the handle of the bag. Moreover, one skilled in the art could not and would not simply duplicate the handle of Warr on the bottom edge because of the difficulty of such duplication as expressly recognized as “convention” in Warr.

Accordingly, one skilled in the art would not duplicate the handle of Warr or Pape in view of the teaching of Wallace. Moreover, to do so would not include the “mere

duplication of essential working parts.” As such, Applicants request that the rejection be withdrawn.

2. In the Office action, claims 2, 4-10, 13-15, 19, 20, 22-25, 27-29, 32, 42, 44, 46-50, 53, 54, 59, 61, and 63-74 are rejected as being unpatentable over U.S. Patent No. 5,593,229 to Warr, Patent Application Publication No. 20030235348 to Pape, and U.S. Patent No. 5,578,562 to Anspacher.

The Office action asserts that “Warr and Pape disclose the claimed invention ... except for a rigid plastic handle on the end of the bag opposing the bag end with the integral handle. Anspacher teaches that it is well known in the art of bags to provide a rigid plastic handle on a bag end that is opposite the bag end that includes an integral handle.” OA at 6.

In response, as amended claims 5, 15, 29, and 32 recite “a second handle formed in the second [end or flap].” Accordingly, the cited references do not teach the invention as claimed. Moreover, it is not obvious to modify the references in the claimed manner for the reasons set forth above. As such, Applicants request that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned at 310-788-9900.

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Respectfully submitted,

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